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Donna L. Bethea  
Director  
Technology and Regulatory Affairs

AirTouch Communications  
1818 N Street N.W.  
Suite 800  
Washington, DC 20036

Telephone: 202 293-4957  
Facsimile: 202 293-4970

December 9, 1996

**EX PARTE**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

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Federal Communications Commission  
Office of Secretary

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RE: Amendment of the Commission's Rules to Provide for Unlicensed  
NII/SUPERNet Operations in the 5 GHz Frequency Range  
(ET Docket No. 96-102)

Dear Mr. Caton:

On Thursday, December 5, 1996, Kathleen Abernathy and I, on behalf of AirTouch Communications; Bill Wallace and Dave Weinreich, on behalf of Global Star; Cheryl Tritt and Kumar Singarajah, on behalf of ICO; and Nancy Thompson and Jeff Binkes, on behalf of Comsat met with David Siddall to discuss issues relating to this proceeding and he requested the attached. Please associate the attached material with the above-referenced proceeding.

Two copies of this notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Please stamp and return the provided copy to confirm your receipt. Please contact me at 202-293-4957 should you have any questions or require additional information concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna L. Bethea".

Donna L. Bethea

Attachment

cc: David Siddall

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**Amendment of the Commission's Rules to Provide for  
Unlicensed NII/SUPERNet  
Operations in the 5 GHz Frequency Range**

**(ET DOCKET NO. 96-102)**

**December 5, 1996**

**AirTouch Comm.  
Comsat  
Globalstar  
ICO**

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## **Background on MSS**

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- June 1991**      **Mobile Satellite Service (MSS) Applications Submitted to the FCC.**
- WARC - 1992**   **The US Achieves International Allocation of MSS Service Link Spectrum in the GHz Band.**
- Early 1993**      **The FCC and Industry Begin Working Toward the International Allocation of MSS Feeder Link Spectrum.**
- The FCC Begins the Licensing Process for the Big Leo Service Link Spectrum; Feeder Link Spectrum Awaits International Allocation.**
- May 1995**      **WinForum and Apple Petition the FCC for a Rulemaking to Allocate the 5 Ghz Band and Adopt Service Rules for a Shared Unlicensed Personal Radio Network.**
- WRC - 95**      **The US Industry and Government are Successful in Winning a Global Primary Allocation of MSS Feeder Link Spectrum in the 5091-5250 MHz Band.**

## **NPRM Proposal**

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- Allocation of 350 Mhz of the 5 Ghz Band to Support the Operation of Unlicensed, Short-Range, High Speed Wireless Communications.
- Adoption of a “Safe Harbor” Rule for Part 15 Devices.
- Adoption of a 100 mW EIRP Limit.
- Listen Before Talk Protocol.

## **MSS Concerns**

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- **Deployment of MSS Systems are near completion.**
  - **Most design parameters have been finalized.**
  - **Significant changes are not feasible.**
- **Key parameters of SUPERNet devices must be established to limit the potential for interference into NGSO MSS feeder links.**
- **Proposed “safe harbor” rule inconsistent with Telecommunications Act and does not ensure protection against harmful interference for licensed users by unlicensed devices.**

## **Proposed Solution**

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### **IN THE 5150 - 5250 MHz Band:**

- **EIRP (Peak) Spectral Density: 100 mW per 10 MHz.**

For any channel bandwidth, limit maximum burst-peak transmit EIRP to 10 dBm/MHz.

- **NO Outdoor Use.**

Device to disable transmissions or switch over to non cochannel frequency band when a portable unit is unable to decode a signal from an indoor fixed access point.

Inter-building fixed point-to-point or point-to-multipoint links prohibited.

- **Limit Aggregate EIRP density emissions**